

ESTTA Tracking number: **ESTTA466511**

Filing date: **04/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Entrepreneur Media, Inc.
Granted to Date of previous extension	04/11/2012
Address	2445 McCabe Way Irvine, CA 92614 UNITED STATES
Attorney information	Lucy Jewett Wheatley Jones Day 51 Louisiana Ave., N.W. Washington, DC 20001-2113 UNITED STATES lwheatley@jonesday.com, mafinkelstein@jonesday.com, dawnbrown@jonesday.com

### Applicant Information

Application No	85079659	Publication date	12/13/2011
Opposition Filing Date	04/11/2012	Opposition Period Ends	04/11/2012
Applicant	Alibaba Group Holding Limited Fourth Floor, One Capital Place P.O. Box 847, George Town Grand Cayman, CAYMAN ISLANDS		

### Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking, life-saving and teaching apparatus and instruments namely, telephones, punch clocks, time recording devices, namely, time clocks, scales and balances, scaled rulers, electronic pocket translators, neon signs, electronic notice boards, transparency projection apparatus, kilometer recorders for vehicles, telescopes, mechanisms for counter-operated apparatus, namely, point-of-sale terminals, fire extinguishers, acoustic alarms, namely, smoke and fire alarms, eyeglasses, batteries, exposed files, namely, exposed camera film; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity namely, electric wires, electric switches, electroplating apparatus, namely, electroplating machines, electric welding apparatus, namely, torches, electrified fences, namely, electric fences; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, and blank recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; computer hardware and firmware for use in the field of business and e-commerce; computer software and downloadable software for use in business management, customer relationship management (CRM),

inventory management, sales force management, planning and management of personal and business finances, and marketing information management, all in the field of e-commerce; compact discs featuring computer programs and computer software for business management, customer relationship management (CRM), inventory management, sales force management, planning and management of personal and business finances, and marketing information management, all in the field of e-commerce; digital music downloadable from the Internet; telecommunications apparatus, namely, network telephone, electronic facsimile, portable device for sending and receiving electronic mails, and instant messaging communication tool in the nature of portable telecommunication instant messaging devices; mouse pads; mobile phone accessories, namely, battery chargers, cases, covers, ear phones and devices for hands-free use of mobile phones; spectacles and sunglasses

**Class 016.**

All goods and services in the class are opposed, namely: Paper and cardboard, and goods made from these materials, namely, computer paper, cardboard boxes and office stationery; printed matter, namely, newspapers, photographs, magazines, books, printed periodicals, newsletters, and brochures all in the field of business and ecommerce; stationery; adhesives for stationery or household purposes; artists' materials, namely, paint brushes; typewriters and office requisites, except furniture, namely, adhesive tape dispenser, correcting fluid for type, electric paper hole punch, drills, and perforators, finger-stalls, franking machines, envelope sealing machines, paper embossers, folding machines, and trimmers, rubber bands, and staplers; printed instructional and teaching material, namely, books and workbooks in the field of e-commerce; plastic materials for packaging, namely, plastic bags for packaging; printers' type; printing blocks

**Class 035.**

All goods and services in the class are opposed, namely: Advertising; business management; business administration; providing office functions; database management; market research and business consulting services; business consultancy services relating to facilitating the transaction of business via local and global computer networks by locating and providing referrals for the delivery of a wide variety of business and consumer products and services; dissemination of business information of goods and services of others via local and global computer networks; business consultancy services in the field of global computer web sites where third parties can offer and source goods and services, place, determine the status of and fulfill trade leads and orders, enter into contracts and transact business; providing computerized online ordering services featuring a wide variety of general consumer, business, and industrial products and merchandise; advertising of goods and services of others via local and global computer networks; international import and export agency services; rental of advertising space on communication media; advertising services for others, namely, promoting the goods and services of others via local and global computer networks; online trading services relating to electronic auctioneering and providing online business evaluation relating thereto; online retail store services featuring a wide variety of consumer and business products; providing an online business directory of third party web sites to facilitate business transactions; business consultancy services in the field of operating an electronic marketplace for the buyers and sellers of goods and services on a global computer network; business assistance for others in the field of facilitating business transaction via local and global computer networks; corporate business management consultancy services; marketing and promotion services; publication of publicity materials; marketing services, namely, marketing of vacant condominiums, apartments, homes, commercial storefronts, office buildings, and factories; dissemination of advertising materials, updating of advertising materials, compilation of advertisements for use as web pages on the Internet; rental of advertising space; computer data processing; sales, business, advertising, and promotional services, namely, providing information about the goods and services of others; telephone answering service; auctioneering provided on the Internet; personnel management; provision of commercial sales, business information, advertising and commercial information through a global computer network and via the Internet; presentation of goods on communication media for retail purposes; The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others; retail and wholesale store services featuring telephones, mobile phone handsets, mobile phone accessories, electronic and telecommunications goods, computer hardware and computer software, batteries, battery chargers, apparatus and instruments for recording, receiving, transmitting and reproducing data, information, pictures, images and sound, precious metals, jewelry, precious stones, printed matter, stationery and magnetic and non magnetically encoded cards, furniture, picture frames, household and kitchen utensils, glassware, porcelain and earthenware, textiles, clothing,

footwear, headgear, laces and embroidery, buttons, ribbons, pins and needles, artificial flowers, carpets, rugs, games and electronic toys, chemicals used in industry, science, photography and agriculture, paints, varnishes and lacquers, personal hygiene products, soaps, perfumery, cosmetics, hair and body lotions, essential oils, cleaning and bleaching preparations, lubricants, fuels, candles, pharmaceutical, veterinary and sanitary preparations, ironmongery and small items of metal hardware, machines and machine tools, cutlery, razors and hand tools, computers, calculating machines, electrical, photographic, cinematographic and optical apparatus and instruments, spectacles and sun glasses, surgical and medical apparatus and instruments, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, firearms, fireworks, silverware, horological and chronometric instruments, musical instruments, magazine, cards, paper and cardboard products, picture, typewriters and office requisites, packaging materials, rubber and plastics for manufacture use, packing and insulating materials, leather and imitations of leather and goods made from these materials, handbags, purses, wallets, leather holders, bags, luggage, umbrellas, mirrors, ropes, string, nets, tents, yarns and threads for textile use, coat hangers, place mats, dressmaker's articles, bed and table covers, playthings and sporting articles, foodstuffs and beverages, meat, fish, poultry, preserved, dried and cooked fruits and vegetables, jams and fruits sauces, eggs, milk and milk products, edible oils and fats, coffee, tea, cocoa, sugar, rice, flour, bread and cakes, condiments, fresh fruit and vegetables, beer, mineral water, fruit juices and other non-alcoholic drinks, alcoholic beverages, floral products, tobacco, smokers' articles and matches; direct mail advertising; buying and selling agency services, namely, arranging of buying and selling contracts for third parties; selection and procurement of goods, namely, purchasing of consumer, business and industrial products and services for individuals and businesses; catalog and online ordering services featuring a wide variety of consumer, business and industrial goods and services; department store services; secretarial services; providing statistical information; organization of exhibitions for commercial or advertising purposes; business services, namely, preparing mailing lists; business investigation; business administration consultation services in the field of processing of sales made on the Internet; business networking referral services and personnel placement; import-export agencies; subscriptions to newspapers, magazines, and other periodicals; document reproduction; transcription services, namely, conference call, message and stenographic transcription; rental of office equipment; customer relationship management; business management services relating to electronic commerce; business management and administration services relating to sponsorship programs; accounting services, consultancy, information, and advisory services relating to the aforesaid services; providing computer links to third party web sites featuring business and commercial information to facilitate e-commerce and real world business transactions

**Class 038.**

All goods and services in the class are opposed, namely: Telecommunications access services; provision of telecommunication access and links to computer database and to the Internet; electronic communication services; interactive telecommunications services; telecommunication services, namely, the electronic transmission of data and documents; providing telecommunications connections to the Internet or data bases; provision of telecommunication access to world-wide web; communication by computer terminals; communication by fibre optic networks; electronic transmission of messages and images by computer; facsimile transmission; message sending; paging services; rental of modems; transmission of data by electronic means; rental of telecommunication equipment; electronic message sending, receiving and forwarding services; transmission and delivery of data by electronic means; electronic transmission and delivery of mail messages, still picture and moving picture information such as characters, messages, music and images, telegrams, information and data by electronic, telephone, telegraph, cable, computer and satellite means; transmission, broadcast and reception of audio, video, still and moving images and data whether in compressed or uncompressed form and whether in real or delayed time; electronic messaging services, telephone, video and web conferencing services and order-transmission services; video conferencing services; providing electronic bulletin boards and message boards for transmission of messages among users concerning business and commerce; provision of discussion forums for transmission of messages among computer users concerning business and commerce; television broadcasting services; broadcasting and transmission of radio and television programs; music broadcasting; transmission of music, films, interactive programs, videos, electronic computer games via a global computer network or the internet; electronic transmission of information in the field of on-line shopping and general retail services; video-on-demand transmission services; news agency services, namely, transmission of news items to news reporting organizations; providing

access to computer databases on the global computer network; providing chat room services or transmission of messages among computer users concerning business and commerce; providing multiple user access to global computer information networks; providing access to a website on a global computer network by which third parties can offer goods and services, place and fulfill orders, enter into contracts and transact business; providing access to an interactive website on a global computer network for third parties to post information, respond to requests and place and fulfill orders for products, services and business opportunities; communication services, namely, text and numeric wireless digital messaging services; transmission of information and data communications for assisting decision making; transmission of information through video communication systems; web conferencing services; providing electronic bulletin boards for the posting and transmission of messages among and between computer users concerning consumer products, services and business leads and opportunities; providing an online interactive bulletin board for the posting, promotion, sale and resale of items via a global computer network; providing electronic mail and electronic mail forwarding services; audio and video communication via computers and computer networks, and via a global communications network; providing computer access to online interactive bulletin boards and databases; providing access to a web site on a global computer network by which third parties can offer goods and services, place and fulfill orders, enter into contracts and transact business; providing access to electronic bulletin boards for the posting and transmission of messages among and between computer users concerning products, services and business opportunities; providing access to electronic calendar, address book and notes feature, via local and global computer networks; providing distant video and telephone conferencing access and facilities; providing access to a web site on a global computer network by which third parties can offer goods and services, place and fulfill orders, enter into contracts and transact business; providing access to electronic bulletin boards for the posting and transmission of messages among and between computer users concerning products, services and business opportunities; providing access to electronic calendar, address book and notes feature, via local and global computer networks; providing access to an interactive web site on a global computer network for third parties to post information, respond to requests and place and fulfill orders for products, services and business opportunities; consultancy, information and advisory services relating to the aforesaid services

**Class 041.**

All goods and services in the class are opposed, namely: Education, namely, providing training courses in the field of business and ecommerce; providing of training in the field of business and ecommerce; publication of texts, books and journals, other than publicity texts; publication of diagrams, images and photographs; publication of newspapers, magazines and periodicals; education, namely, training courses and instructional classes in the field of telecommunications, hardware and software, operation of computers, computer programming, web site design, e-commerce, business management and advertising; educational courses, namely, developing curriculum for others in the field of business and ecommerce; entertainment provided via electronic and digital interactive media, namely, providing on-line computer games; provision of information about education, entertainment information, information in the field of sports and sporting events, and information in the field of recreation and leisure activities and cultural activities and exhibitions; providing online electronic publications in the nature of magazines and newsletters in the field of business and ecommerce; arranging, organizing, hosting and conducting singing competitions; arranging, organizing, hosting and conducting musical concerts; arranging, organizing, hosting and conducting events and competitions for education or entertainment purposes, namely, providing conferences and symposia in the field of business and ecommerce; entertainment ticket agency services; entertainment information and information about education, provided online from a computer database or the Internet; providing non-downloadable prerecorded digital music from the Internet; providing non-downloadable prerecorded digital music from MP3 Internet web sites; education services, namely, providing courses of instruction about planning, production and distribution of sound, images, digital music, movies, live or recorded audio, visual or audiovisual material for broadcasting on terrestrial cable, satellite channels, the Internet, wireless or wire-link systems and other means of communications; rental of sound recordings; production of documentary and news programs about business and ecommerce accessible by television, satellite, video, and computer networks; news reporters services; providing news in the field of sporting or cultural events and current events reporting provided by satellite television, the Internet or radio; production of television and radio programs and film production; game services, namely, game services provided on-line from a computer network; provision of recreation activity, sporting and gymnasium facilities; live performances by musical bands; night club services, discotheques, and fashion shows;

arranging, conducting and provision of conferences, conventions, seminars and training workshops in the field of business and ecommerce; organizing and conducting exhibitions, namely, fashion shows, educational shows and cultural shows and performances; art exhibitions; art services, namely, rental of artwork; training services in the field of occupational health and safety, and environmental conservation; provision of cigar classes, wine tasting classes; arranging, organizing, planning and running seminars in the field of business and e-commerce; animal training; instructional services, namely, classes and seminars in the field of the operation of audiovisual machines and equipment, which is used for the production of broadcasting programs; providing audio and visual studios; providing sports facilities; providing facilities for movies, shows, plays, music or educational training; entertainment booking agencies, namely, booking of seats for shows and sports events; rental of motion pictures; rental and leasing of musical instruments; rental and leasing of television sets; lending libraries; archive library services; subtitling services, namely, preparing subtitles for movies; sign language interpretation services; rental of computer game software; providing online video games, computer games; providing online nondownloadable music and movies through the internet; providing online computer games and conducting contests; rental of pre-recorded video tapes; rental and leasing of game machines; rental of arcade game equipment; rental of motion pictures; photography; translation; language interpretation; educational and training programs in the field of risk management; educational and training programs relating to certification; provision of news in the nature of current event reporting; consultancy, information and advisory services relating to the aforesaid services; lottery services

#### Class 042.

All goods and services in the class are opposed, namely: Computer services, namely, software design and development for others and creating, maintaining and hosting websites for others; computer programming; providing direct connection services between computer users for exchanging data, namely, providing temporary use of online non-downloadable software for the exchange of data; computer software design; computer system design; design and development of computer software and hardware; design and development of webpages; hosting webpages for others; hosting computer application software of others for use in searching and retrieving information from databases and computer networks; providing technical information at the specific request of end-users by means of telephone or global computer network; providing customized online web pages featuring user-defined information which includes online links to third party web sites; information, advisory and consultancy services relating to all the aforesaid services

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1453968	Application Date	05/14/1985
Registration Date	08/25/1987	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/05/19 First Use In Commerce: 1983/05/19 COMPUTER PROGRAMS AND PROGRAMS USER MANUALS ALL SOLD AS A UNIT  Class 016. First use: First Use: 1978/05/02 First Use In Commerce: 1978/05/02 PAPER GOODS AND PRINTED MATTER; NAMELY MAGAZINES, BOOKS AND PUBLISHED REPORTS PERTAINING TO BUSINESS OPPORTUNITIES		
U.S. Registration	2263883	Application Date	11/13/1995

No.			
Registration Date	07/27/1999	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 Advertising and business services, namely, arranging for the promotion of the goods and services of others by means of a global computer network and other computer online services providers; providing business information for the use of customers in the field of starting and operating small businesses and permitting customers to obtain information via a global computer network and other computer online service providers and; web advertising services, namely, providing active links to the websites of others		

U.S. Registration No.	2502032	Application Date	11/06/2000
Registration Date	10/30/2001	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR		
Design Mark	<p style="text-align: center;"><b>ENTREPRENEUR</b></p>		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1991/10/18 First Use In Commerce: 1991/10/18 Arranging And Conducting Trade Show Exhibitions In The Field Of Entrepreneurial Activities, Namely The Start-Up And Operation Of Small Business Enterprises</p> <p>Class 041. First use: First Use: 1991/10/18 First Use In Commerce: 1991/10/18 Educational Services, Namely, Conducting Seminars On The Development And Operation Of Businesses, And Conducting Work Shops On Computer Technology, Telecommunications, Marketing, Financing Options, Real Estate Management, Tax Planning And Insurance</p>		

U.S. Registration No.	3519022	Application Date	07/10/2007
Registration Date	10/21/2008	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR.COM		

Design Mark	<b>ENTREPRENEUR.COM</b>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Downloadable podcasts in the field of business, current events, lifestyle issues, and developments in science and technology</p> <p>Class 035. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Providing business information and advice via a web site on a global computer network</p> <p>Class 038. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Broadcasting programs via a global computer network; and streaming of audio and video material via the Internet; telecommunications services, namely, transmission of podcasts</p>

U.S. Registration No.	3652950	Application Date	08/01/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR CONNECT		
Design Mark	<b>ENTREPRENEUR CONNECT</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/16 First Use In Commerce: 2008/07/16 ONLINE BUSINESS NETWORKING SERVICES IN THE NATURE OF CREATING AND HOSTING A COMMUNITY FOR REGISTERED USERS TO CREATE PROFESSIONAL PROFILES, TO PARTICIPATE IN GROUP DISCUSSIONS, TO MAKE BUSINESS CONTACTS, AND TO UPLOAD ONTO THE WEBSITE MATERIALS PROMOTING THEIR BUSINESSES, PRODUCTS AND SERVICES</p>		

U.S. Registration No.	3266532	Application Date	12/07/2006
Registration Date	07/17/2007	Foreign Priority Date	NONE
Word Mark	ENTREPRENEURENESPANOL.COM		
Design Mark	<b>ENTREPRENEURENESPANOL.COM</b>		

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/10/13 First Use In Commerce: 2006/10/13 Advertising and business services, namely, arranging for the promotion of goods and services of others by means of a global computer network and other computer online service providers; providing business information for the use of customers in the field of starting and operating businesses and permitting customers to obtain the aforesaid information via a global computer network and other computer online service providers; Internet advertising services, namely, promoting the goods and services of others by providing a web site with active links to their websites featuring their goods and services

U.S. Registration No.	3470064	Application Date	07/16/2007
Registration Date	07/22/2008	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR PRESS		
Design Mark	<p style="text-align: center;"><b>ENTREPRENEUR PRESS</b></p>		
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Paper goods and printed matter, namely, books, manuals, prepared reports, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public</p> <p>Class 035. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 On-line ordering services featuring printed and electronically downloadable publications, namely, books, study guides, legal and business forms, and newsletters, concerning advice and information relating to the subjects of starting, running and operating a business and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public</p>		

U.S. Registration No.	3204899	Application Date	03/27/2006
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR'S STARTUPS		
Design Mark	<p style="text-align: center;"><b>ENTREPRENEUR ' S STARTUPS</b></p>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2006/01/27 First Use In Commerce: 2006/01/27 Paper goods and printed matter; namely, magazines, books, booklets and published reports pertaining to business opportunities		



U.S. Registration No.	3924374	Application Date	07/24/2008
Registration Date	03/01/2011	Foreign Priority Date	NONE
Word Mark	ENTREPRENEUR ASSIST		
Design Mark	<b>ENTREPRENEUR ASSIST</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2007/06/15 First Use In Commerce: 2007/06/15 Providing online facilities for real-time interaction between website visitors concerning topics of general interest to entrepreneurs, new and existing businesses and members of the general public</p> <p>Class 042. First use: First Use: 2007/06/15 First Use In Commerce: 2007/06/15 Providing website visitors with online non-downloadable software applications in the field of business planning and productivity for bookmarking, filing and tabbing articles found on websites for quicker retrieval, for creating text documents, spreadsheets and presentations, for customizing business forms and templates, for selecting and downloading a selection of business books, for scheduling event deadlines and appointments with email reminders, and for assisting in the creation of business plans</p>		

Attachments	76159837#TMSN.gif ( 1 page )( bytes ) 77226387#TMSN.jpeg ( 1 page )( bytes ) 76691766#TMSN.gif ( 1 page )( bytes ) 76670060#TMSN.gif ( 1 page )( bytes ) 76679564#TMSN.gif ( 1 page )( bytes ) 76657293#TMSN.gif ( 1 page )( bytes ) 76691530#TMSN.gif ( 1 page )( bytes ) NETREPRENEUR - Notice of Opposition.pdf ( 11 pages )(50422 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Lucy Jewett Wheatley
Name	Lucy Jewett Wheatley
Date	04/11/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of

U.S. Trademark Application Serial No. 85/079,659

For the Mark **NETREPRENEUR**

Published in the Official Gazette on December 13, 2011

ENTREPRENEUR MEDIA, INC.,

Opposer,

v.

ALIBABA GROUP HOLDING LIMITED,

Applicant.

Opposition No. \_\_\_\_\_

Commissioner of Trademarks  
Box TTAB  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

1. Opposer, Entrepreneur Media, Inc. (“EMI” or “Opposer”) is a California corporation with its headquarters located at 2445 McCabe Way, Irvine, California 92614. EMI believes that it will be damaged by the registration of the mark NETREPRENEUR (“Applicant’s Mark” or the “NETREPRENEUR Mark”) shown in trademark application Serial No. 85/079,659 (the “Application”) and hereby opposes same pursuant to 15 U.S.C. §§ 1052 and 1063.

2. To the best of Opposer’s knowledge, the name and address of the owner of the Application is Alibaba Group Holding Limited Corporation, 4th Floor, One Capital Place P.O. Box 847, George Town Grand Cayman Cayman Islands (“Applicant” or “Alibaba”).

As grounds for opposition, it is alleged that:

### **The Application**

3. Alibaba filed the Application on July 7, 2010 to register the mark NETREPRENEUR (consisting of a stylized smiley face logo and the word “NETREPRENEUR”) for goods and services in International Classes 9, 16, 35, 38, 41, 42, including “magazines” in International Class 16 and “[e]ducation, namely, providing training courses in the field of business and ecommerce” and “providing conferences and symposia in the field of business and ecommerce” in International Class 41, “advertising” and other online business focused services in International Class 35, interactive online website services in International Class 38, and computer services in International Class 42.

4. Alibaba alleges an intent to use the NETREPRENEUR mark under 15 U.S.C. Section 1051(b).

5. The Application was published in the Official Gazette on December 13, 2011. An extension of time to oppose was sought by Opposer and duly granted.

### **Opposer’s Registered Marks**

6. Opposer owns a family of marks consisting of, or incorporating, the term ENTREPRENEUR, including all of the following (collectively, the “EMI Marks”) which registrations have not been cancelled and are valid and in full force and effect:

<b>Trademark</b>	<b>Registration/ Serial No.</b>	<b>Registration/ Filing Date</b>	<b>International Class/Goods</b>
<b>ENTREPRENEUR</b>	1,453,968	August 25, 1987	16: Paper goods and printed matter; namely magazines, books and published reports pertaining to business opportunities.

<b>Trademark</b>	<b>Registration/ Serial No.</b>	<b>Registration/ Filing Date</b>	<b>International Class/Goods</b>
<b>ENTREPRENEUR</b>	2,263,883	July 27, 1999	35: Advertising and business services, namely, arranging for the promotion of the goods and services of others by means of a global computer network and other computer online services providers; providing business information for the use of customers in the field of starting and operating small businesses and permitting customers to obtain information via a global computer network and other computer online service providers and; web advertising services, namely, providing active links to the websites of others.
<b>ENTREPRENEUR</b>	2,502,032	October 30, 2001	35: Arranging and conducting trade show exhibitions in the field of entrepreneurial activities, namely the start-up and operation of small business enterprises.  41: Educational services, namely, conducting seminars on the development and operation of businesses, and conducting workshops on computer technology, telecommunications, marketing, financing options, real estate management, tax planning and insurance.
<b>ENTREPRENEUR.COM</b>	3,519,022	October 21, 2008	9: Downloadable podcasts in the field of business, current events, lifestyle issues, and developments in science and technology.  35: Providing business information and advice via a web site on a global computer network.  38: Broadcasting programs via a global computer network; and streaming of audio and video material via the Internet; telecommunications services, namely, transmission of podcasts.
<b>ENTREPRENEUR CONNECT</b>	3,652,950	July 14, 2009	42: Online business networking services in the nature of creating and hosting a community for registered users to create professional profiles, to participate in group discussions, to make business contacts, and to upload onto the website materials promoting their businesses, products and services.

<b>Trademark</b>	<b>Registration/ Serial No.</b>	<b>Registration/ Filing Date</b>	<b>International Class/Goods</b>
<b>ENTREPRENEUR ENESPANOL.COM</b>	3,266,532	July 17, 2007	35: Advertising and business services, namely, arranging for the promotion of goods and services of others by means of a global computer network and other computer online service providers; providing business information for the use of customers in the field of starting and operating businesses and permitting customers to obtain information via a global computer network and other computer online service providers; internet advertising services, namely, promoting the goods and services of others by providing a web site with active links to their websites featuring their goods and services.
<b>ENTREPRENEUR PRESS</b>	3,470,064	July 22, 2008	16: Paper goods and printed matter, namely, books, manuals, prepared reports, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public.  35: On-line ordering services featuring printed and electronically downloadable publications, namely, books, study guides, legal and business forms, and newsletters, concerning advice and information relating to the subjects of starting, running and operating a business and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses and members of the general public.
<b>ENTREPRENEUR'S STARTUPS</b>	3,204,899	February 6, 2007	16: Paper goods and printed matter; namely, magazines, books, booklets and published reports pertaining to business opportunities.
<b>ENTREPRENEUR ASSIST</b>	3,924,374	March 1, 2011	38: Providing online facilities for real-time interaction between website visitors concerning topics of general interest to entrepreneurs, new and existing businesses and members of the general public.  42: Providing website visitors with online non-downloadable software applications in the field of business planning and productivity for bookmarking, filing and tabbing articles found on websites for quicker retrieval, for creating text documents, spreadsheets and presentations, for customizing business forms and templates, for selecting and downloading a selection of business books, for scheduling event deadlines and appointments with email reminders, and for assisting in the creation of business.

7. Registration Nos. 1,453,968; 2,263,883; and 2,502,032 have become incontestable as a matter of law under 15 U.S.C. § 1065.

### **The Past Licensing Agreement Between the Parties**

8. Up until October 30, 2009, Alibaba and Entrepreneur.com, Inc. (“ECOM”), a wholly owned subsidiary of Opposer, were engaged in a business agreement and licensing arrangement (“Licensing Agreement”) whereby ECOM licensed its intellectual property, including use of ECOM content and the ENTREPRENEUR® brand, to Alibaba.

9. When this Licensing Agreement ended in October 2009, Alibaba lost all rights to use any EMI Marks or associated ECOM content.

10. Prior to the expiration of the Licensing Agreement, Alibaba previously attempted to register the mark NETREPRENEUR in International Classes 9, 16, 35, 38, 41, and 42 for various goods and services (Application Number 77/726,491). Upon learning of that application, Opposer’s counsel sent a letter explaining that use of the NETREPRENEUR mark in connection with goods and services covered by the application was likely to cause confusion, mistake or deception regarding the source of Alibaba’s goods and services.

11. Following receipt of that letter, Alibaba abandoned U.S. Application Number 77/726,491 and the NETREPRENEUR mark was not used by Alibaba.

12. Given this history, by now applying for a federal registration for the NETREPRENEUR Mark, Alibaba is acting with full knowledge of, and in complete disregard for, Opposer’s superior trademark rights in and to the EMI Marks.

### **Opposer’s Use of Its Famous Marks**

13. Opposer has been, and continues to be, engaged in the business of developing, creating, distributing, marketing, advertising and selling a wide variety of goods and services under the EMI Marks, and in particular under its registered trademark ENTREPRENEUR® (the

“ENTREPRENEUR Mark”), including the publication and distribution of magazines and books, conducting seminars and other educational events, and the distribution of print and online information and advice, all concerning or of interest to businesses, business owners and would-be business owners. In fact, EMI has been using the ENTREPRENEUR Mark in commerce for over thirty years, having first adopted the mark for magazines at least as early as May 2, 1978.

14. Through careful cultivation of its goods and services provided under the EMI Marks, and in particular the ENTREPRENEUR Mark, EMI has developed an outstanding reputation, and has established an extremely loyal customer following, in its efforts to promote small and mid-sized businesses, and in providing the owners and would-be owners of those businesses with the information and other tools necessary for starting and successfully growing those businesses.

15. EMI has received a tremendous amount of public recognition and acclaim for the products and services provided under its EMI Marks, and in particular under the ENTREPRENEUR Mark. Through EMI’s widespread and continuous use of its family of EMI Marks, including the ENTREPRENEUR Mark, these marks have acquired extensive goodwill, have developed a high degree of distinctiveness, and have become famous, well-known and recognized as identifying the goods and services that originate from EMI. *See Entrepreneur Media, Inc. v. B-entrepreneur.com and S-entrepreneur.com*, Civil Action No. 1:11cv583 (AJT/TCB), Dkt. No. 23, Amended Report and Recommendation at \*9 (E.D.VA Feb. 9, 2012) (“The ENTREPRENEUR mark is a famous mark.”).

16. The United States District Court for the Central District of California has determined that the ENTREPRENEUR Mark is a strong mark in the industry, as a result of extensive advertising and public recognition over the past 25 years. *Entrepreneur Media, Inc. v.*

*Smith*, No. CV 98-3607 FMC (CTx), 2004 U.S. Dist. LEXIS 24078 (C.D. Cal. June 23, 2004). These findings were affirmed by the Ninth Circuit Court of Appeals. *Entrepreneur Media, Inc. v. Smith*, 101 Fed. Appx. 212 (9th Cir. 2004). *See also Entrepreneur Media Inc. v. Seattleentrepreneur.com and Austinentrepreneur.com*, Civil Action No. 1:11cv409 (LMB/JFA), Dkt. No. 22, Order at \*3 (Brinkema, J.) (E.D.VA Dec. 6, 2011) (holding that the “Entrepreneur Marks are distinctive”).

17. Opposer’s use of the EMI Marks, as described above, has been valid and continuous since the relevant dates of first use.

18. Opposer’s continuous, exclusive and commercially-successful use of the ENTREPRENEUR® Mark is symbolic of the extensive goodwill and consumer recognition created therein by Opposer through substantial amounts of time, money and effort in advertising and promotion of its goods and services.

19. Upon information and belief, Opposer’s ENTREPRENEUR® Mark is widely recognized and highly regarded by the general, consuming public of the United States as a designation of the source of Opposer’s goods and services.

20. Upon information and belief, the ENTREPRENEUR® Mark has come to serve as a unique and famous identifier of Opposer’s goods and services.

### **Confusion and Dilution Are Likely**

21. Opposer’s use of the ENTREPRENEUR® Mark predates any alleged use by Applicant of Applicant’s Mark.

22. Opposer’s use of the ENTREPRENEUR® Mark predates the filing date of the Application.

23. Opposer’s ENTREPRENEUR® Mark was well-established and famous long before the date on which Applicant filed its Application.



24. Upon information and belief, Applicant's Mark is confusingly similar to the ENTREPRENEUR® Mark and the family of EMI Marks as those Marks are used and have been registered by Opposer.

25. Upon information and belief, the goods and services with which Applicant's Mark will be used are also either identical, or confusingly similar, to those goods and services, for which the ENTREPRENEUR® Mark and the family of EMI Marks have been registered and have to date been used.

26. Upon information and belief, the goods and services for which Applicant is seeking registration of Applicant's Mark are goods and services that will be offered for sale and sold in the same channels of trade and to the same class of purchasers as are those goods and services offered for sale and currently sold by Opposer under the ENTREPRENEUR® Mark and the family of EMI Marks.

**COUNT I**  
**LIKELIHOOD OF CONFUSION**

27. Opposer incorporates each and every allegation of Paragraphs 1-26 of this Notice of Opposition as though fully set forth herein.

28. In view of (1) the fame of the ENTREPRENEUR Mark; (2) the similarity of the NETREPRENEUR Mark and the ENTREPRENEUR Mark; (3) the similarity of goods and services to be offered under Applicant's Mark as compared to those goods already offered under the EMI Marks; and (4) the similarity of the channels of trade through which those goods and services will be or, in the case of the EMI Marks, are being, disseminated, as well as the prior licensing relationship between the parties, Applicant's Mark is likely to cause confusion or mistake, or to deceive, as to source by suggesting that Applicant's goods are associated with, or approved, endorsed, affiliated, authorized or sponsored by Opposer.

**COUNT II**  
**TRADEMARK DILUTION**

29. Opposer incorporates each and every allegation of Paragraphs 1-28 of this Notice of Opposition as though fully set forth herein.

30. The ENTREPRENEUR® Mark has become famous in accordance with the standard set forth in 15 U.S.C. § 1125(c).

31. Applicant filed the Application for NETREPRENEUR after the ENTREPRENEUR® Mark became famous.

32. Applicant's Mark is likely to cause dilution of the distinctiveness of Opposer's famous ENTREPRENEUR® Mark.

WHEREFORE, Opposer prays that: (1) Applicant's Application to register NETREPRENEUR as a trademark (Serial No. 85/079,659) be rejected on the basis of likelihood of confusion with, and likelihood of dilution of, the ENTREPRENEUR® Mark; (2) that no registration be issued on Applicant's Mark; and (3) that this Opposition be sustained in favor of Opposer.

Dated this 11th day of April, 2012

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was served on this 11th day of April, 2012, via first-class mail upon the Attorney of Record for Applicant:

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